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SENSITIVE

C O R R E C T E D C O P Y (SENSITIVE CAPTION ADDED)

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E.O. 12958: N/A
TAGS: [EAID](#) [SENV](#) [EFIS](#)
SUBJECT: GUIDANCE ON MCNAB CASE DIPNOTE

1. (SBU) Summary and Action Request. This cable provides guidance for Embassy Tegucigalpa to respond to information received from the Government of Honduras regarding the expenditure of funds derived from assets seized from David Henson McNab. Please deliver the following response to the MFA.

2. (SBU) Begin text:

The Embassy of the United States presents its compliments to the Ministry of Foreign Affairs and conveys the concern of the Government of the United States that the Government of Honduras has not used funds seized from David Henson McNab in the manner to which it committed under the bilateral agreement described below.

On April 17, 2007, the Government of the United States entered into an agreement with the Government of Honduras to transfer \$500,000 seized from David Henson McNab as a result of his conviction in the United States on charges of illegally smuggling undersized lobster from Honduras to the United States. The money was handed over to the Government of Honduras in the form of a check at a ceremony on November 6, 2007. According to the agreement, the Secretariat of Agriculture and Livestock (SAG) of the Government of Honduras was to have transferred the funds to the Directorate General of Fisheries and Aquaculture (DIGEPESCA) for its use in strengthening enforcement of Honduran fisheries laws. The specific, agreed upon plan for the use of the funds was laid out in the document titled Proposal of Priority Activities for the Use of the Assets Seized from David Henson McNab for \$500,000 pursuant to Article 2, Paragraph 2 of the agreement.

On March 17, 2009, the Embassy received a report describing how the funds were used. The Government of the United States notes that none of the sixteen activities in the plan were completed as agreed. Furthermore, according to the agreement, the Government of Honduras was to have provided a report on the uses of the funds within six months of receipt of the funds and engage an independent auditor to perform an audit, in coordination with the Honduran Superior Accounting tribunal, within eighteen months. The Government of the United States notes that the promised expenditure report was over ten months late and the audit has not yet been received.

The Government of the United States recognizes the important contributions the Government of Honduras made towards the successful prosecution of Mr. McNab. The Government of the United States urges the Government of Honduras to fulfill its commitments under the agreement and looks forward to discussing with the Government of Honduras its plans for doing so.

The Embassy of the United States of America takes this opportunity to reiterate to the Ministry of Foreign Affairs the assurances of its highest consideration.
CLINTON